

REMARKS

This is a full and timely response to the non-final Office Action mailed August 8, 2005. The following remarks address the rejection of Applicants' claimed systems and methods. Accordingly, reconsideration and allowance of the application and presently pending claims 1-62 are respectfully requested.

Response To Provisional Rejections Of Claims 1-62 Based Upon Double Patenting

The Office Action indicates that claims 1-62 are *provisionally* rejected under the judicially-created doctrine of obvious-type double patenting as allegedly being unpatentable over claims 1-62 of co-pending application Nos. 09/844,964 and 09/844,992. Applicants submit herewith Terminal Disclaimers under 37 CFR 1.321(c) to overcome the rejection. Applicants submit the Terminal Disclaimers solely to advance prosecution of the application, without conceding that the double patenting rejection is properly based. In filing the Terminal Disclaimers, Applicants rely upon the rulings of the Federal Circuit that the filing of such a Terminal Disclaimer does not act as an admission, acquiescence, or estoppel on the merits of the obviousness issue. See, *e.g.*, *Quad Environmental Tech v. Union Sanitary Dist.*, 946 F.2d 870, 874-875 (Fed. Cir. 1991); and *Ortho Pharmaceutical Corp. v. Smith*, 959 F.2d 936, 941-942 (Fed. Cir. 1992).

CONCLUSION

In summary, Applicants respectfully submit that presently pending claims 1-62 are allowable and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comments regarding the Applicants' response or intends to dispose of this matter in a manner other than a Notice of Allowance, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:



Karen G. Hazzah
Reg. No. 48,472

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

100 Galleria Parkway
Suite 1750
Atlanta, Georgia 30339-5948
(770) 933-9500